

ALEC Parent Trigger Act

Summary

The Parent Trigger places democratic control into the hands of parents at school level. Parents can, with a simple majority, opt to usher in one of three choice-based options of reform: (1) transforming their school into a charter school, (2) supplying students from that school with a 75 percent per pupil cost voucher, or (3) closing the school.

Model Legislation

Section 1: {Short Title}

This act may be cited as the “Parent Empowerment and Choice Act” or the “Parent Trigger Act.”

Section 2. {Definitions}

For purposes of this article, the following definitions apply:

(A) “Parent” means the natural or adoptive parent or guardian of a dependent child.

(B) “School district of enrollment” means a school district other than the school district in which the parent of a pupil resides, but in which the parent of the pupil nevertheless intends to enroll the pupil pursuant to this article.

(C) “School district of residence” means a school district in which the parent of a pupil resides and in which the pupil would otherwise be required to enroll pursuant to state code.

Section 3. {Parent Empowerment}

For all public schools where more than one-half of the parents or legal guardians of pupils attending the school, or a combination of more than one-half of the parents or legal guardians of pupils attending the school and the elementary or middle schools that normally matriculate into a middle or high school, as applicable, sign a petition requesting the local educational agency to implement one or more of the three interventions identified pursuant to Section (5), the local educational agency shall implement the option requested by the parents.

Section 4. {Intervention Implementation}

The local educational agency shall notify the Superintendent and the state board upon receipt of a petition and upon its final disposition of that petition. The local education agency is given 180 days to implement the chosen model of reform.

Section 5. {School Intervention Models}

There are three school intervention models: restart model, school closure, or educational choice model. Each is described below.

(A) Restart model. A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process. (A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools. An EMO is a for-profit or non-profit organization that provides “whole-school operation” services to an LEA.) A restart model must enroll, within the grades it serves, any former student who wishes to attend the school.

(B) School closure. School closure occurs when an LEA closes a school and enrolls the students who attended that school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available. In the event that no such school exists, the district will implement the educational choice model.

(C) Educational choice. Educational choice occurs when an LEA implements a school voucher program pursuant to Section 6.

Section 6. {Universal Educational Vouchers}

(A) Any student of, or student who would naturally matriculate into, a school triggered for the educational choice reform option will have the option to receive a monetary voucher to cover the cost of attendance at any private or other public school.

(B) Any student of a triggered school wishing to attend a private school will qualify for an annual scholarship in an amount equal to the lesser of:

(1) 75 percent the triggered school’s annual cost per pupil, including both operational and capital facility costs; or

(2) 75 percent the dollar amount the resident school district would have received to serve and educate the eligible student from state and local sources had the student enrolled there.

(C) Any student of a triggered school wishing to attend a different public school will qualify for any public school with no additional fee.

(D) Funds available to a student are calculated using an average of the last three (3) budget years and recalculated each year.

(E) Funds are made available to each student until the earlier of (1) completion of their high school degree or (2) their 21st birthday.

(F) Students receiving voucher monies are to be counted in the enrollment figures of their LEAs for the purposes of calculating future voucher monies.

(G) Students receiving voucher monies more than the cost of tuition in a private school are given the opportunity to store that money in an Educational Savings Account (ESA) to be used for any additionally encumbered educational expenses. Qualifying expenses include but are not limited to tutoring, lessons, educational camps, school materials, textbooks, educational software.

(H) There are no additional regulatory powers granted to the state in this legislation:

(1) The education voucher reform option does not expand the regulatory authority of the state, its officers, or any school district in any way.

(2) Any regulatory board in existence must be represented in at least half by members not a part of the public school system.

Adopted by the Education Task Force at the 2010 States & Nation Policy Summit, December 3, 2010. Approved by the ALEC Board of Directors, January 7, 2011.